

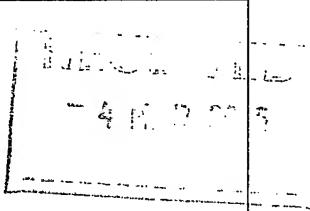
PATENT COOPERATION TREATY

100'd PCT/PTO 01 JUN 2005

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

CANNING, Lewis, Reuben
Amersham plc
Amersham Place
Little Chalfont
Buckinghamshire HP7 9NA
GRANDE BRETAGNE



PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing (day/month/year)	02.03.2005
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Applicant's or agent's file reference
PZ02101-PCT

IMPORTANT NOTIFICATION

International application No. PCT/GB 03/05319	International filing date (day/month/year) 05.12.2003	Priority date (day/month/year) 06.12.2002
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Applicant
AMERSHAM PLC

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/B/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

		DUE DATE: <u>—</u>
		PO BOX 5037, 1000 AMSTERDAM, THE NETHERLANDS
		JHV
Name and mailing address of the international preliminary examining authority: European Patent Office - Gitschner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840		Authorized Officer Geier, A Tel. +49 30 25901-706
		PAT. OFF: <u>IPC</u>
		ON DB: <u>—</u>
		CASE NO: <u>P202 101-ACT</u>

PATENT COOPERATION TREATY

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PCT/PTO 01 JUN 2005

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PZ02101-PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB 03/05319	International filing date (day/month/year) 05.12.2003	Priority date (day/month/year) 06.12.2002
International Patent Classification (IPC) or both national classification and IPC A61K31/18		
Applicant AMERSHAM PLC		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 14.06.2004	Date of completion of this report 02.03.2005
Name and mailing address of the international preliminary examining authority: European Patent Office - Gitschiner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840	Authorized Officer Beranová, P Telephone No. +49 30 25901-333



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB 03/05319

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-33 as originally filed

Claims, Numbers

1-34 as originally filed

Drawings, Sheets

1/8-8/8 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/05319

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-34
	No:	Claims	-
Inventive step (IS)	Yes:	Claims	-
	No:	Claims	1-34
Industrial applicability (IA)	Yes:	Claims	1-34
	No:	Claims	-

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

5.1 Reference is made to the following document:

D1: WO 02/067761 A (BRISTOL MYERS SQUIBB PHARMA CO) 6 September 2002 (2002-09-06)

5.2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 - 34 does not involve an inventive step in the sense of Article 33(3) PCT.

5.3 The document D1 is regarded as being the closest prior art and discloses labelled macrophage scavenger receptor antagonists and their use for imaging atherosclerosis, vulnerable plaque, coronary artery disease, thrombosis, ischemia and stroke (claims 1 and 13).

The present application differs from this known teaching of D1 in that the rings A and B of used macrophage scavenger receptor antagonists are linked by the group $-\text{SO}_2\text{-NH-}$ instead of $-\text{CO-NH-}$ (D1).

The problem to be solved by the present invention may therefore be regarded as providing further labelled macrophage scavenger receptor antagonists useful for imaging cardiovascular diseases, such as atherosclerosis.

However, it is well known in the art that, the groups $-\text{SO}_2\text{-}$ and $-\text{CO-}$ can be considered as equivalent and act as isosteres. According to the concept of isosterism, similar physico-chemical behaviour is to be expected for molecules in which the group $-\text{CO-}$ has been replaced by $-\text{SO}_2\text{-}$.

Therefore, it seems that no inventive step could be acknowledged for the subject-matter of claims 1 - 34, as far as novel (Article 33(3) PCT).